

REMARKS

With this amendment, Applicants have amended claims 45, 60, 82, 86, and 87 to clarify the subject matter of the present invention. No new matter has been added by way of these amendments. This amendment responds to the November 2, 2005 Office Action. Applicants thank the Examiner for acknowledging the patentability of claims 47-52, 55, 59, 64-73, 80, 81, 85, and 90. In the Office Action the Examiner:

- rejected claims 45, 46, 54, 56-58, 60-62, 74, 77-79, 87 and 89 under 35 U.S.C. § 102(e) as being anticipated by Eguchi, et al. (United States Patent Application Publication No. 2005/0022595A) (hereinafter “Eguchi”);
- rejected claims 63, 76, 82, 84, and 88 under 35 U.S.C. 103(a) as being unpatentable over Eguchi;
- rejected claim 53 under 35 U.S.C. 103(a) as being unpatentable over Eguchi in view of Kahana (United States Patent Number 5,637,214) (hereinafter “Kahana”); and
- objected to claims 47-52, 55, 59, 64-73, 80, 81, 85, and 90 as being dependent upon a rejected base claim.

Applicants respectfully traverse those rejections.

Applicants also thank the Examiner for the courtesy of the telephonic interview extended to their representative, Kenneth L. Stein, on February 2, 2006. At the interview, Applicants’ representative discussed with the Examiner certain proposed amendments to independent claims 45, 60, 82 and 87 to overcome Eguchi.¹ The Examiner agreed that Eguchi did not disclose determining an amount of water added to and/or consumed from a container over a period of

¹ In particular, Applicants’ representative proposed amending claims 45 and 60 to recite “[a] water level monitoring system for use with a filtered water container in which water is both added to and consumed from the container ...”; claim 82 to recite “[a] method of measuring changes in a water level in a filtered water container in which water is both added to and consumed from the container ...”; and claim 87 to recite “[a] method of measuring a water level of a filtered water container in which water is both added to and consumed from the container” With respect to independent claims 45 and 60, the Examiner’s position was that the proposed amendments were deficient in that they were directed only to the “intended use” of the claimed system.

time. Agreement was reached, subject to the Examiner's further consideration, that adding an "over time" limitation to independent system claims 45 and 60, as well as to method claims 82 and 87, would overcome the rejection over Eguchi. The Examiner also stated that he found the amendments to dependent claim 86, set forth above, acceptable.

Eguchi describes an apparatus that determines the amount of liquid remaining in a container, such as the amount of ink remaining in an ink tank of an ink-jet printer. Eguchi, however, determines only the level of the liquid at a given point in time. For example, Figure 4 of Eguchi shows four detecting electrodes 26a to 26d, spaced at regular intervals in the vertical direction. *See* Eguchi, ¶ 0069. Eguchi detects whether each detecting electrode is electrically connected to a common electrode, which will occur when there is liquid present between the two. The level of the liquid at a given point in time is determined by the highest electrode for which an electrical connection is detected.

In contrast to Eguchi, the present invention is directed to, *inter alia*, determining the amount of liquid that has been added to and/or consumed from a container over a period of time in which liquid has been both added to and consumed from the container. For example, page 14, ¶ 53 of the present application describes a microprocessor control unit that may periodically calculate "the amount of consumption by monitoring the amount of water that was poured out of the lower portion of [the] container" and/or calculate "the amount of water filtration by monitoring the amount of water that was filtered into the lower portion of the container." The present application also describes time periods for making those determinations, such as the period "since a last filter cartridge change" (page 14, ¶ 53) or since a user last "reset cumulative water usage or consumption calculations" by, for example, toggling switch 510 (page 26, ¶ 82). Eguchi does not describe or teach making such a determination. It is only concerned with the amount of liquid remaining in a container at a given point in time, such as whether there is ink present in an ink tank, not the amount of liquid added to or consumed from the container over time. Eguchi, in fact, does not describe or teach adding liquid to the container at all, since that is outside the scope and purpose of the apparatus it describes.

Independent claims 45, 60, 82 and 87 have accordingly been amended to clarify this distinction between the present invention and Eguchi. In particular, claims 45 and 60 have been amended to recite a control unit that "determines changes in the water level in said filtered water

container from the signals received from the detection circuit” and thereby determines the amount of water “added to and/or consumed from said filtered water container over a period of time in which water is added to and consumed from the container,” claim 82 has been amended to recite “determining an amount of filtered water consumption from the changes in the water level over a period of time in which water is added to and consumed from the container”; and claim 87 has been amended to recite “determining changes in the water level in said filtered water container from the generated signals over a period of time in which water is added to and consumed from the container.”

In response to the Examiner’s specific rejections set forth in the Office Action, Applicants believe that the amended independent claims are clearly patentable over Eguchi. With respect to amended claims 45 and 60, Eguchi does not disclose an apparatus designed to determine the amount of water added to and/or consumed from a filtered water container “over a period of time in which water is added to and consumed from the container,” as recited in the claims. Similarly, with respect to amended method claim 82, Eguchi again cannot determine “an amount of filtered water consumption [from a container] from the changes in the water level over a period of time in which water is added to and consumed from the container.” With respect to amended method claim 87, Eguchi once again does not disclose or describe “determining changes in the water level in [a] filtered water container ... over a period of time in which water is added to and consumed from the container,” as recited in the claim.

Rejected dependent claims 46, 53, 54, 56-58, 61-63, 74, 76-79, 84 and 88-89 are believed to be patentable for at least the same reasons that the independent claims, from which each depends, are patentable.

Also, with respect to dependent claim 53, Applicants additionally note that, contrary to the Examiner’s assertion, there is no motivation provided in Eguchi for combining Eguchi with Kahana. Eguchi addresses the difficulty in “visually determin[ing] the remaining amount of ink from the external appearance of [an] ink tank,” and several other problems that are unique to ink in an ink-jet printer. *See* Eguchi, ¶¶ 4-7. Those problems do not apply to the apparatus described in Kahana, *i.e.*, a filter assembly for a water pitcher. The amount of water remaining in a water pitcher can be easily determined either visually or by other straightforward means, such as lifting the pitcher. The other ink-jet printer specific problems described in Eguchi also do not apply to a water pitcher. There is no motivation, therefore, to add the Eguchi apparatus

for determining the amount of liquid remaining in a container to the water pitcher described in Kahana.

Also, with respect to dependent claim 79, contrary to the Examiner's assertion, Figure 4 of Eguchi does not show an apparatus in which "each second electrode in all or a portion of the plurality of electrode pairs has a unique length." To the contrary, all the detecting electrodes in Eguchi are shown as having the same length.


Claim 86 has been amended to correct a lack of antecedent basis for "the second lead" and "said first lead" and to correct clerical errors.

Applicants respectfully request entry of the foregoing amendments and remarks into the file of the above-identified application. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is encouraged to call the undersigned at (212) 891-1615.

No fee is believed owed in connection with the filing of this amendment and response. However, should the Commissioner determine otherwise, the Commissioner is authorized to charge any underpayment or credit any overpayment to Jenner & Block Deposit Account No. 10-0460, for the appropriate amount.

Date: 2/2/06

Respectfully submitted,


Kenneth L. Stein 38,704
JENNER & BLOCK LLP (Reg. No)
919 Third Avenue
New York, New York 10022
Phone: (212) 891-1600